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Ron Carey

The Vindication
of Ron Carey

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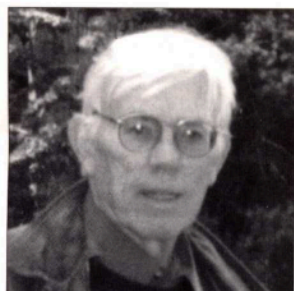
Big Gary Goes West

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THE VINDICATION OF RON CAREY

by Kenneth Crowe



On October 12, 2001, a Manhattan federal court jury of eight women and four men, a mixed jury of blacks, Latinos, Anglos with occupations ranging from college student to hospital supervisor, found Ron Carey, the tumbled president of the International Brotherhood of Teamsters not

guilty of seven counts of perjury and making false statements to a grand jury and to a variety of court-appointed monitors.

The charges against Ron Carey flowed from a swap scheme in which \$885,000 in Teamsters funds was donated to progressive political organizations, including the AFL-CIO, in 1996, in return for \$221,000 in contributions to the then-Teamsters president's reelection campaign. Significantly, Carey was never accused of participating in the illegal plot — despite years of probing and pressure by an aggressive troop of FBI agents and prosecutors under the aegis of Mary Jo White, U.S. Attorney for the Southern District of New York.

Instead, Carey was accused of perjury for his repeated proclamations of innocence before federal grand juries and the court-appointed monitors of Teamster elections and behavior.

The nub of the government's case was that Carey must have been lying when he denied being told about the contributions or that other national labor leaders had been approached to make illegal donations to his reelection war chest. Carey testified again and again that he would have stopped the scheme "dead in its tracks" had he been told about it. The jury exonerated Carey of those "last-resort" perjury charges after a relatively brief deliberation, about 12 hours over a three-day span. The case simply came down to who to believe, the two major prosecution witnesses — Jere Boyle Nash, admittedly a repeated perjurer, and Monie Simpkins, whose story changed three times in the course of the investigation — or the unshakeable Ron Carey, with a 40-year history of

achievements that few union officials at the local or international levels could match.

These same two government witnesses provided the testimony and sworn statements that a court-appointed Teamsters Election Officer (EO) and the court-appointed Teamsters Independent Review Board (IRB) used to issue decisions in 1997 and 1998 first barring Carey from

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running for reelection and then expelling him from the International Brotherhood of Teamsters forever with an almost medieval stricture banning all Teamsters from associating with him. Any Teamster, other than a relative, who even speaks to Carey risks a similar excommunication from the union by the IRB.

However, the trial, five years later, provided the first real opportunity to cross-examine his accusers. The jury witnessed the credibility of Nash and Simpkins shattered by the stinging cross-examinations of two heavyweight white-collar criminal defense lawyers, Reid Weingarten and Mark Hulkower, from the Washington, D.C. firm of Steptoe & Johnson. Bob Hauptman, Carey's former Special Assistant for Management and Budget, served as the defense team's researcher, analyst of the documents used in evidence, and a source of insight into the operations of the complex union, which was once — under Carey — the largest in the AFL-CIO. While Weingarten and Hulkower performed in the open courtroom, Bruce Bishop, another Steptoe & Johnson white collar criminal lawyer and appellate specialist, provided behind the scene backup with legal research and writing of motion papers.

Kenneth C. Crowe was a labor reporter at Newsday and New York Newsday from 1976 to 1999. He is the author of Collision/How the Rank and Rile Took Back the Teamsters. Published by Scribner's in 1993, Collision tells the story of the Teamsters' rank and file reform movement, culminating in the election of Ron Carey as president of the union.

Crowe won an Alicia Patterson Foundation Fellowship in 1974 to study foreign investment in the United States. In 1978, Doubleday published America For Sale, Crowe's book on foreign investment in the United States.

Crowe was a member of the Newsday investigative team whose work won the 1970 Pulitzer Prize.

The entire defense team worked *pro bono* for Carey who has been drained financially by years of litigation.

The two administrative decisions that silenced Carey were based upon the testimony of Jere Nash, but neither Election Officer Kenneth Conboy nor the three members of the IRB, Frederick Lacey (a former U.S. District Court

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judge), William Webster (former director of both the CIA and the FBI), and Grant Crandall (general counsel to the United Mine Workers Union) were as aware as the jury of the extent of Nash's lies.

In 1996, Carey won reelection to the Teamsters presidency by defeating challenger James P. Hoffa, a Detroit lawyer and son of the legendary Jimmy Hoffa, 233,369 to 217,802 — a margin of 15,567 votes. But a flurry of investigations by a federal grand jury and then-Teamsters Election Officer Barbara Zack Quindel revealed that \$221,000 in illegal contributions had been pumped into Carey's reelection campaign from non-Teamsters. Quindel issued a report saying that the money came from a complicated swap scheme, engineered by Jere Nash, Carey's campaign manager, and Martin Davis, a principal of the November Group, a Washington, D.C.-based direct mail firm that distributed Carey's campaign literature. The first round of investigations showed that \$735,000 in Teamster funds was donated to various progressive organizations for get-out-the-vote drives in the 1996 presidential and congressional elections in return for contributions to

Carey's campaign. As the probes continued, investigators uncovered another \$150,000 in IBT funds given to the AFL-CIO, which in turn contributed \$150,000 to one of the same progressive organizations.

Carey swore in testimony to the election officer, IRB investigators, and the federal Grand Jury that he knew nothing about the swap scheme, a position that his interrogators found hard to believe because so much money was involved from a union treasury that was in dire straits — and the political contributions had to be okayed through his office. Carey contended that as soon as he discovered the dirty deal early in 1997, he ordered the \$221,000 returned to the non-Teamsters and told his staff to cooperate with the investigators.

Carey was still glowing from the successful 15-day strike against the giant United Parcel Service in August 1997 — the biggest victory organized labor had seen in at least three decades when just a week later Quindel overturned the 1996 election on the grounds that the \$221,000 spent on mailings for Carey — done by the November Group — were enough to have tipped the election to him. She ordered a new election, which everyone including Hoffa's adherents assumed Carey would win easily. After all, he had handed organized labor a heady win over Corporate America with public opinion staunchly on the side of the union.

Within a month, Nash, Davis, and another participant in the scheme, Michael Ansara, a Boston-area telemarketer, pleaded guilty to felonies involving false statements to the election officer, embezzling union funds, and mail fraud. All three cut deals for lighter sentences in exchange for cooperating with the feds.

The stage was now set to tumble Carey from power. Carey Teamsters partisans, some pro-labor academics and Carey himself suspect a linkage — as paranoid as that may seem to others — between his UPS triumph, his aggressive leadership of the Teamsters turning the union into an activist force, and the decisions rendered against him by the court-appointed officers and the Manhattan U.S. Attorney's office. At the time, Stanley Aronowitz, who specializes in labor at the City University of New York's graduate center in Manhattan, said: "The social

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forces underlying all of this is that when labor raises its head and begins to fight they get beaten down."

A key to Conboy's decision was Nash's testimony that Carey had turned down a request from Bill Hamilton, the Teamster's director of government affairs, for a \$475,000 contribution to Citizens Action, a national grassroots consumer and environmental activist group, for its campaign against conservative Republicans in the 1996 Congressional elections — until he was told it would help Martin Davis raise money for his own reelection campaign. Conboy had an affidavit from Carey's executive secretary Monie Simpkins saying that the Teamsters president approved four separate requests for political contributions in cryptic telephone conversations in which she mentioned Jere Nash's involvement.

Carey's lawyers, Weingarten and Hulkower, were denied the opportunity to cross-examine Nash or Simpkins before Conboy reached his decision.

Almost a year later, the U.S. Court of Appeals upheld Conboy's decision, noting that "EO [Election Officer] Conboy's conclusions...rest heavily on conversations Carey is alleged to have had with Nash and Simpkins."

Four years later at the jury trial that ended on October 12, 2001 with Carey's acquittal, Weingarten and Hulkower put Nash and Simpkins through cross-examinations that devastated the two prosecution witnesses' credibility.

The next and most staggering blow to Carey began on November 25, 1997 when the court-appointed Independent Review Board issued a 46-page investigative report charging him with breaching his fiduciary obligations.

A chilling aspect of being charged by the IRB is that the board has a 100 percent conviction rate. Over the previous five years, the 217 Teamsters charged by the board were found guilty by the board, admitted to the charges or just quit the Teamsters. Carey reiterated his innocence and said at the time: "It is a sad day when the word of a convicted criminal prevails over the word of a man who has stood for integrity all his life and has not yet had his day in court."

The Teamsters president took an unpaid leave of absence from his two presidencies, of the International

Brotherhood of Teamsters and Queens Teamsters Local 804 starting that November 25.

When the IRB held an open hearing on the charges two months later in Washington, D.C., Carey took the stand to testify under oath, once again, that he knew nothing of any swap scheme and that none of his aides

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told him about the most controversial of the deals, a \$475,000 contribution to Citizen Action, until the scheme unraveled four months later. Lacey, obviously not believing him, said at the hearing: "With the heat that was going on around this money, it is beyond my comprehension you heard none of this." In a sworn affidavit Monie Simpkins said that she had discussed each of the contributions with Carey, mentioning that these were items Nash was interested in and got Carey's assent before she put both his and her initials on them (RC/MS) to indicate they had been approved.

Strangely, Simpkins continued as Carey's executive secretary until September 1997 when she took a disability leave for stress-related health problems around the time that Nash pleaded guilty. Carey said that he had assumed he did indeed give Simpkins the go-ahead to

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put his initials on the documents approving the contributions but changed his mind during the course of the IRB hearing as he listened to the testimony of people who worked in his office. One, Teresa Marie Sherman, Carey's administrative secretary, testified that Simpkins tearfully told her in October, 1996 that Nash had pressured her into putting Carey's initials on the documents without obtaining Carey's approval. Carey was out of the office campaigning for reelection. Simpkins said that Nash told her about the swap scheme, and although Carey didn't want to know about it, he claimed Susan Davis, the campaign attorney, said it was legal, according to Sherman's testimony.

Weingarten complained that he wanted to cross-examine Simpkins, but was denied the power to subpoena her and her lawyer refused to produce her voluntarily.

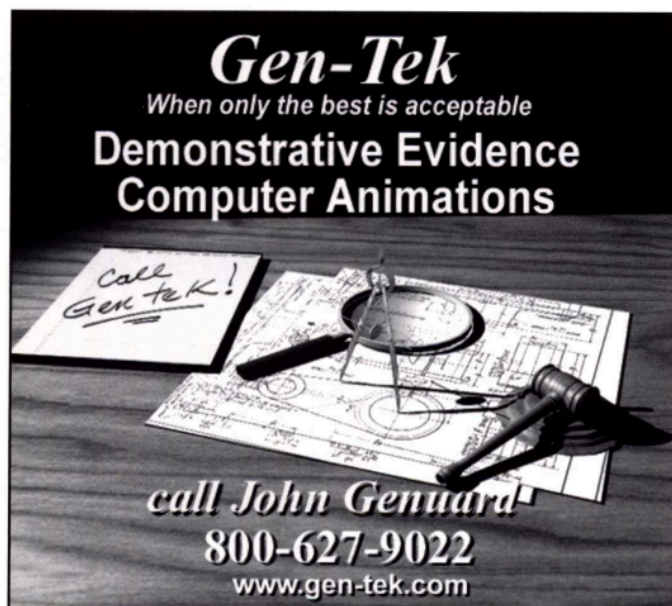
The defense had better luck in getting Nash onto the stand. At first the Manhattan U.S. Attorney's office appeared to be unwilling to produce the man who promised to be the star witness for any criminal prosecution of Carey — and perhaps major fundraisers for the Democratic Party and even AFL-CIO Secretary-Treasurer Rich Trumka for his purported role in washing \$150,000 of Teamsters money through the federation to Citizen Action. But when the IRB indicated Carey's testimony, which was subject to cross-examination by Charles Carberry, the IRB's chief investigator, could outweigh Nash's unexamined statements, the star witness was produced.

Nash testified that after Hamilton told him that Carey had turned down the requested \$475,000 for Citizen Action, he called Simpkins at IBT headquarters on October 16 or 17, 1996. She patched his call through to Carey. Nash said that after Carey "voiced some objection

about it" he pointed out to him: "Well, it will help Martin Davis in the fund-raising that he is doing for our campaign." He testified Carey's response was "Hell, no one ever told me about it." The contribution was approved.

Carey, in his testimony, denied that conversation ever took place. And, Mark Hulkower in cross-examining Nash at the IRB hearing drew from him the admission that the conversation lasted only 15 seconds. Under Hulkower's questioning, Nash admitted that while he was getting \$2,500 a month as Carey's campaign manager, the November Group was paying him \$18,000 a month over a six-month span — and then blessed him with a \$50,000 bonus for his supposed work on behalf of Democratic candidates. The November Group got all or most of the money from the scheme as part of a \$700,000 get-out-the-vote mailing for Carey. Hulkower drove home that point when he asked: "The big winner was Martin Davis?" Nash replied: "One can come to no other conclusion." Carey said he had no idea that Nash was on the November Group's payroll.

The three members of the IRB were faced with the same dilemma as Conboy: who to believe? Ron Carey, who had slashed his salary as Teamsters general president from \$225,000 and declined to take cost of living increases based on the full increase in the inflation rate, costing him an estimated \$400,000 in salary over the span of his six years in office, according to his staff — along with slashing Teamster pensions in 1995, including his own — at an estimated lump sum cost to him of \$325,000 or to believe Simpkins and Nash, who had promised to tell the truth in return for serious consideration at the time of his sentencing. Nash was facing ten years in prison for admitted lies and other crimes. The IRB said it didn't rely on the testimony of Simpkins, a mother of two who



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professed a profound loyalty to Carey, because she was not subjected to cross-examination.

The IRB chose Nash as the believable witness. All three members agreed to strip Carey of membership and to ban him from any connection to the union or its members in the future, a union Carey had been a member of since 1955 when UPS hired him at age 19 after his discharge from the U.S. Marine Corps.

In a footnote, the board dealt with the conflicting accounts of Nash, who said he spent 15 seconds on the phone with Carey on October 16 or 17, 1996, and of Carey, who said that the conversation never happened. "Nash's account is the only direct evidence that the alleged conversation with Carey took place. The parties have argued at length as to whether or not Nash's cell phone bill and the IBT's phone bills for October 17 document that a phone conversation in fact occurred. A call was made from Nash's cell phone to one of Carey's numbers in Washington at 1:24 p.m. during the same time as a 45-minute phone conversation (12:51 - 1:36 p.m.) between one of Carey's headquarters office numbers and a Los Angeles hotel. There is no showing of who the participants in the forty-five minute phone conversation were, but Nash could have been patched into the ongoing conversation."

What a difference a real trial makes! At trial, Nash testified that he "vividly remembered" going into the hallway outside the Carey Campaign headquarters to

make that phone call on either October 16 or 17, 1996. Using the government exhibits of Nash's phone records and expense accounts at the criminal trial, Weingarten proved Nash couldn't have been outside that hallway at the time of the call, because phone records show no calls for October 16, but a three-minute call to Simpkins' number at 1:24 p.m. on October 17.

Nash's expense records show he paid \$33.22 for lunch for two a block away at 1:49 p.m. at the Holiday Inn. Who was his luncheon companion? What did that person hear? Why wasn't that person called to testify? Weingarten's conclusion in summation to the jury was that the phone call that supposedly included the famous 15-second-long exchange was never patched through to Carey.

Jere Nash was back in federal court in Manhattan on April 20, 1999 to plead guilty to two more felonies for lying to the feds. In his plea bargaining deal in 1997 he had promised to reveal all and always tell the truth in exchange for a lighter sentence, then went on to lie to FBI agents who came across a transaction in which he billed the Teamsters treasury for about \$21,000 in the summer of 1996 — to be paid to the November Group — for a Carey Campaign expense. His excuse: "I didn't remember that particular activity." When an FBI agent asked him about the invoices late in 1998, he lied at first, and then admitted what he had done. "I panicked," he testified. The Manhattan U.S. Attorney's office, however, was understanding.



Mike Keefe/The Denver Post

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The federal prosecutors in New York kept the grand jury grinding, digging for evidence to link Carey and other national Labor leaders to the scam. They seemed destined to come up empty before the statute of limitations ran out. Then lightning struck: On Jan. 25, 2001, U.S. Attorney Mary Jo White announced the indictment of Carey on seven counts of lying to the grand jury and court-appointed Teamsters overseers some 63 times.

Three months after Carey's indictment, the Hoffa administration filed a \$3-million civil racketeering lawsuit against Carey, Hamilton, Nash and Martin Davis among others. The action sought to recover the \$885,000 in contributions to the progressive organizations and about \$2.2 million that the union spent on the rerun election. Manhattan U.S. District Court Judge Laura T. Swain tossed out the \$3-million suit on October 1, 2001 saying that the facts didn't support a racketeering action.

On August 27, 2001, the jury that was to decide Ron Carey's guilt or innocence was seated in a richly paneled courtroom on the 20th floor of the new federal courthouse on the edge of Chinatown in lower Manhattan with U.S. District Court Judge Robert L. Carter presiding over the trial. The two prosecutors, Asst. U.S. Attorneys Deborah E. Landis and Andrew Dember, launched a case with three lines of attack: the testimony of Nash; the testimony of Simpkins; and the large sums

contributed to the progressive groups for political purposes when the Teamsters' treasury was in dire straits.

Nash had been an effective witness against Hamilton despite the revelation of his two sets of guilty pleas for telling falsehoods. But his value as a witness was totally destroyed by the Carey defense team's revelations drawn from his own mouth that lying and cheating were woven into the fabric of his life.

Defense attorney Mark Hulkower led Nash through a series of questions, which illustrated how devious he could be about his finances, raising questions as to whether he ever paid taxes on his \$50,000 bonus from the November Group, his filing of false affidavits, and his talking other people into lying to investigators. Hulkower then asked with almost boyish innocence: "Would you steal money from the (Carey) campaign?" Nash responded "No sir." Hulkower produced invoices showing that Nash had billed the November Group and the Carey Campaign \$262 each for the same Delta Airlines flight on October 15, 1996. "Double billing?" Hulkower asked. "It appears that way...it was an accident," Nash said. The defense attorney produced expense records for six more flights, which showed that Nash double-billed the November Group, and the Carey Campaign. "I have no memory of doing this on purpose," Nash said.



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From the expressions on jurors' faces, the *coup de grace* to Nash's believability came as Hulkower produced yet another packet of expense invoices for cab fares, proving he double billed the November Group and the Carey Campaign for short taxi rides around Washington. "There are numerous cab fares that are double-billed?" Hulkower said in the form of a question. Nash responded: "I don't know." Hulkower said, "There are pages and pages more." Nash interjected: "It's accidental." Hulkower came back: "More than \$200 in cab fares double-billed." In response to Hulkower's question of whether the \$1,500 in extra income taken as a result of the double-billings was declared on his income tax returns, Nash said that he didn't know. Jurors shook their heads.

Monie Simpkins came into court wearing a dress reminiscent of a 1950s housedress adding to the impression that this was a simple, innocent, unsophisticated attractive woman moving towards middle-aged plumpness who was caught up in the complicated swap scheme because of her loyalty to Carey.

On direct examination, Simpkins testified that "around mid-October" 1996 Nash arranged to meet her at Carey campaign headquarters to discuss a delicate matter. Nash had told her she would be receiving a memo regarding political contributions — and he needed her to expedite approvals for the donations. "He said the

attorneys had approved this and it would be fine. I just assumed he was referring to the campaign attorneys,"

His [Nash's] value as a witness was totally destroyed by the Carey defense team's revelations drawn from his own mouth that lying and cheating were woven into the fabric of his life.

Simpkins testified. She said that when the plan was carried out, Nash would call to say that the request was coming and needed to be expedited. Then in her next phone conversation with Carey, who was on the road campaigning, she would briefly describe the request and say: "It was one Jere Nash called about." Then Carey would give his approval.



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on. I don't think I looked at ten invoices. To operate a big business like that you have to trust and delegate responsibility." In his summation, Weingarten recalled Malchow's testimony: "The government bought that. They didn't prosecute Hal Malchow. Ron Carey ran a union with 1.5 million people and a \$90 million budget and he's got to know everything."

Every prosecution witness who had a working knowledge of the Teamsters was turned into a character witness praising Carey for his dedication and honesty — to the chagrin of the prosecutors. For example, Aaron Belk, a Teamsters international vice president and Carey's executive assistant, described Carey "as the most honest Teamsters officer who ever held the general president's office. I never saw him do anything that was not in the best interests of the union."

The underpinnings of a key issue in the case against Carey — whether he first rejected a contribution to Citizen Action and then reversed his decision to help finance his reelection campaign — was traced by Weingarten's questioning to the distaste that Hamilton and Belk felt for one another. Belk sometimes tabled or delayed Hamilton's requests for donation, because he didn't agree with the political director's funding strategies. That was apparently what happened to the original request for a contribution to Citizen Action. Hamilton said that when he told Nash "your candidate" had turned down the request, he suspected Belk was sitting on it — not that Carey had rejected it. Kathleen Morrone, Belk's assistant, testified that indeed her boss told her to stall on the original Citizen Action request.

Another issue of contention in the Carey case was a report that the Teamsters president told Bob Muhlenkamp, former organizing director of the Teamsters, AFL-CIO Secretary-Treasurer Richard

Trumka "wasn't delivering." On cross-examination, Muhlenkamp testified that the remark had nothing to do with fund raising. He said Carey had played a central role in getting Trumka elected to his post, and he was disappointed in the AFL-CIO's lobbying performance on issues important to the Teamsters in Congress. Throughout the trial, witnesses who dealt directly with Carey described how the Teamsters president was in excruciating pain because of two bad knees. Muhlenkamp said, "It was hard to get Ron's attention by the fall of '96. Ron had very little energy. He was emotionally, physically and intellectually weakened by serving five years in that office." Muhlenkamp said that over the years Carey moved from being the best questioner in his experience to an executive who wanted his trusted underlings to do their jobs with as little input as possible from him.

His enemies had relentlessly criticized him and planted stories of imaginary corruption and ties to organized crime in newspapers, stirring up constant investigations, and undermining him at every turn — no matter what the cost to the union — including a refusal to permit members they controlled to participate in the one-day strike against UPS in February, 1994.

By the time the summations were made, Nash had been so damaged as a witness that prosecutor Deborah Landis told the jury: "They turned up some good stuff to show Jere Nash was a liar." She indicated that Nash could expect to be punished for his failings, exposed on the witness stand but Landis urged the jury to remember Simpkins testimony when they sat in judgment of Carey. (Note: On April 9, 2002, U.S. District Court Judge Thomas Griesa rewarded Nash for his performance on the stand with a sentence of two years probation and a \$25,000 fine and no prison time.)

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Weingarten countered: "I don't believe for a second Monie believed she was engaging in wrong-doing and (she was told) Susan Davis blessed the scheme. Those pieces make her a victim. Here's where we take issue with Monie. This is really important. LaGuardia is October 21 and the first two applications approved were on October 17 and that blows up the government case. I don't want to get lyrical, but if the time line don't fit, you must acquit.

"Why did she do this? Monie realized (after talking to Susan Davis and Smith) she had the potential for serious trouble. She was concerned about going to jail. She had two little kids. From that point on: Ron approved it...

"Bottom line on Monie. From her own words, she is capable of untruths. Nash manipulated her. She makes a decision to protect her family and lay it off on her boss. Under no circumstances can you rely on her beyond a reasonable doubt. Not when there's Monie Simpkins one, Monie Simpkins two, and Monie Simpkins three." In the first tally, the vote was 11-1 for acquittal — and the one quickly joined the others making the decision unanimous to find Carey not guilty on any of the seven counts.

When the jury filed into the courtroom to announce the verdict of "not guilty" seven times, only 16 people

were sitting in the audience: Carey's three daughters, a couple of reporters, two members of the defense team, some courtroom buffs, an observer for Teamster president James Hoffa, Jr., some assistant U.S. Attorneys, and one Teamster: Tim Sylvester, a member of Local 804, Carey's home local in Queens. Sylvester, a long-time Carey supporter and Teamster for 22 years including three as an international organizer, studiously avoided any contact with Carey, a demonstration of how successful the IRB's administrative decision is in keeping the former Teamsters general president beyond the pale. Sylvester watched at a safe distance.

A similar version of this article first appeared in the Association of Union Democracy's Union Democracy Review. Their website is www.uniondemocracy.org. Verdict wishes to thank the author Kenneth Crowe and Union Democracy Review for their permission and assistance with the article.



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